

services charged in said account were *bona fide* done or rendered as therein charged and that he hath not to his knowledge or belief received any payment or satisfaction for the articles, work or services therein charged more than credit is duly given for in and appearing upon the said account, nor hath he received any security for the same, and that the amount charged and claimed is justly due according to the best of his knowledge and belief.

Open accounts covering goods sold and delivered, with affidavits attached, not admissible in evidence under this and the following section, as basis of decree. *Roland v. People's Bank, Somerset County, 134 Md. 221.*

Proof in accordance with this section, held sufficient to establish an account *prima facie*. *Jackson v. West, 22 Md. 82.*

Held (under act, 1785, ch. 46), that omission of word "security" in the probate of an account was fatal. If each of two several probates is defective in itself, the two cannot be considered together so as to make either complete. This section must be strictly construed. *Dyson v. West, 1 H. & J. 567.* And see *Smoot v. Bunbury, 1 H. & J. 137; Evans v. Bonner, 2 H. & McH. 377.*

Power of the orphans' court to pass accounts is not limited to such as are proved according to act of 1785, ch. 46. *Stevenson v. Shriver, 9 G. & J. 336.*

See sec. 54.

An. Code, sec. 49. 1904, sec. 49. 1888, sec. 44. 1785, ch. 46, sec. 5. 1888, ch. 392.

52. Any account for money or goods lent or due and chargeable for goods sold, work done or other things properly chargeable in account not exceeding fifty dollars which shall be sworn to by the creditor before a justice of the peace of this State or before any officer of any other State or country where he may be at the time having authority to administer an oath therein and certified as aforesaid to be just and true, and that he hath not, directly or indirectly, received to his knowledge any part or parcel of the money or goods charged as due by such account or any security or satisfaction for the same more than credit shall be given for, shall be received as good evidence in any court or before any justice of the peace of this State, unless the debtor or defendant shall make it appear by lawful evidence that such account is false in part or in whole.

Affidavit made in pursuance of art. 37, sec. 43, of the Code of 1860, held not to be evidence, it not appearing that the additional affidavit which that section required when a suit was brought, was made. Such defect was not cured by act, 1864, ch. 109—see sec. 1. *Ward v. Leitch, 30 Md. 334.*

For cases dealing with act of 1729, ch. 20, see *Warner v. Fowler, 8 Md. 25; Smoot v. Bunbury, 1 H. & J. 136; Sanders v. Leigh, 2 H. & McH. 380.*

See notes to sec. 51.

An. Code, sec. 50. 1904, sec. 50. 1888, sec. 45. 1888, ch. 392.

53. In cases where there are two or more plaintiffs any affidavits required under the preceding sections to be made by the party bringing suit or by the creditor may be made by any one of the plaintiffs, or if all the plaintiffs be absent from the State at the time of the bringing of the suit, or if the plaintiff be a corporation, such affidavit may be made by any agent of the plaintiff or plaintiffs, or any of them, who will make further oath that he is such agent and that he has personal knowledge of the matters therein stated; such affidavit, if made on behalf of any firm or copartnership, shall be *prima facie* evidence of said partnership and of the persons composing